



## STATE OF NEW JERSEY

 FINAL ADMINISTRATIVE ACTION  
 OF THE  
 CIVIL SERVICE COMMISSION

 In the Matter of Jeffrey Queen,  
 City of Trenton

Request for Reconsideration

CSC Docket No. 2018-3689

ISSUED: JULY 20, 2018 (BW)

Jeffrey Queen, a Sewage Plant Operator with the City of Trenton, petitions the Civil Service Commission (Commission) for reconsideration of the attached decision, rendered on June 4, 2018, in which the Director of the Division of Appeals and Regulatory Affairs denied his request for a hearing with respect to his 12 working day suspension.

By way of background, a Final Notice of Disciplinary Action (FNDA), dated April 23, 2018, was personally served on April 27, 2018, imposing a 12 working day suspension on the petitioner for insubordination, conduct unbecoming a public employee and neglect of duty. Specifically, the appointing authority asserted that on November 15, 2017, the petitioner left the Sewage Plant without permission and did not punch out and on October 24, 2017, the petitioner was insubordinate and argumentative when he walked away twice after being told to mop the bathroom floor. The petitioner filed an appeal to the Commission, and his letter of appeal was hand delivered on May 18, 2018. On June 4, 2018, the Director determined that the petitioner's appeal was beyond the 20-day time period to file an appeal and the petitioner was denied a hearing. *See N.J.S.A. 11A:2-15.*

In his request for reconsideration, the petitioner does not dispute the date that he was served the FNDA or the date he delivered his appeal. Rather, he argues that the Director's calculation of his 20-day appeal period was in error.

In this regard, the petitioner cites *New Jersey Court Rules* 1:3-1 which states, in pertinent part: "In computing any period of time fixed by rule or court order, the date of the act or event from which the designated period begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor legal holiday." Petitioner argues that the Director used the day he was served, April 27, 2018 in the calculation and was, therefore in error when he concluded that the petitioner was one day beyond the 20-day time period to appeal.

### CONCLUSION

*N.J.A.C.* 4A:2-1.6(b) sets forth the standards by which the Commission may reconsider a prior decision. This rule provides that a party must show that a clear material error has occurred or present new evidence or additional information not presented at the original proceeding which would change the outcome of the case and the reasons that such evidence was not presented at the original proceeding.

*N.J.S.A.* 11A:2-15 and *N.J.A.C.* 4A:2-2.8(a) provide that an appeal from an adverse action specified in *N.J.S.A.* 11A:2-6a(4) must be filed within 20 days of receipt of the notice by the employee. This 20-day time limitation is jurisdictional and cannot be relaxed or waived. See *Borough of Park Ridge v. Salimone*, 21 *N.J.* 28, 46 (1956); See also *Mesghali v. Bayside State Prison*, 334 *N.J. Super.* 617 (App. Div. 2000), *cert. denied*, 167 *N.J.* 630 (2001); *Murphy v. Department of Civil Service*, 155 *N.J. Super.* 491, 493 (App. Div. 1978).

The petitioner's argument that the Director improperly calculated the 20-day period is incorrect. The Director did not utilize the date the appeal was filed in his calculation. Rather, he began the period on April 28, 2018, which includes three days in April as well as May 1 through 17. Since the petitioner's appeal was received on Friday, May 18, it was not timely filed.

Therefore, the petitioner has not demonstrated that a material error has occurred nor presented new evidence which would change the outcome of his case. Accordingly, the Commission finds no grounds on which to grant reconsideration of its prior decision.

### ORDER

Therefore, it is ordered that this request for reconsideration be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 18<sup>TH</sup> DAY OF JULY, 2018

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
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P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment

c: Jeffrey Queen  
Terry K. McEwen, City of Trenton  
Kelly Glenn  
Records Center



STATE OF NEW JERSEY  
CIVIL SERVICE COMMISSION

In the Matter of  
Jeffrey Queen  
City of Trenton, Department of  
Public Works

CSC DKT. NO. 2018-3300

Hearing Denied

ISSUED: JUN 05 2018 BW

The Civil Service Commission considered the request for a hearing concerning Jeffrey Queen, from his appeal of a 12 working day suspension from the position of Sewage Plant Operator, City of Trenton, Department of Public Works and made the following findings of fact:

1. The Final Notice of Disciplinary Action was personally served on April 27, 2018.
2. The letter of appeal was hand delivered on May 18, 2018.

Since the appeal in this matter was not perfected within 20 days of receipt of the Final Notice of Disciplinary Action, the request for a hearing was denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

RE: Jeffrey Queen

DECISION RENDERED BY THE  
DIRECTOR, DIVISION OF APPEALS  
AND REGULATORY AFFAIRS  
ON 6/4/13

CSM  
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c: Jeffrey Queen  
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